COBB v. FOX NEWS NETWORK, LLC Doc. 12

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:07 CV 00667

ROBERT D. COBB Plaintiff, v. FOX NEWS NETWORK, LLC Defendant.	)	**JOINT RULE 26(f) Report**

Pursuant to Fed. R. Civ. P. 26(f) and LR 16.1(b) a meeting was held on October 1, 2007 and was attended by Drew Brown for Plaintiff Robert D. Cobb ("Cobb") and by Dori Ann Hanswirth and Hugh Stevens for Defendant Fox News Network, LLC ("FNC") (collectively, the "Parties"). The Parties report to the Court as follows.

1) Discovery Plan. The Parties propose to the court the following discovery plan:

Discovery will be needed on the following subjects:

(a) The production of the June 21, 2007 article on foxnews.com about Brenton Wuchae's marriage to Windy Hagar (the "Article"), and the photographs that accompanied the Article, including the length of time the photographs were present on the website;

(b) The number of hits and information available regarding the location of the origin of the hits on foxnews.com and the Article while the photographs were posted;

Case 1:07-cv-00667-UA-WWD Document 12 Filed 10/05/2007 Page 1 of 4
Dockets.Justia.com

(c) FNC's removal of photographs that accompanied the Article;

(d) FNC's placement of a correction on foxnews.com and the number of hits occurring after the placement of the correction;

(e) Plaintiff's reputation before and after June 21, 2007;

(f) Any alleged damages plaintiff Cobb has suffered as a result of FNC's conduct; and

(g) Any other matters arising out of the allegations of the Complaint in this action.

The Parties agree that the appropriate plan for this case (with the Parties' stipulated modifications as set out below) is that designated in LR 26.1(a) as Complex.

The date for completion of discovery (general and expert) is May 2, 2008.

Stipulated modifications to the case management track include increasing the presumptive number of depositions (including any experts) to ten (10) depositions by Plaintiff Cobb and ten (10) depositions by Defendant FNC.

Reports retained by experts under Rule 26(a)(2) are due during the discovery period:

From Plaintiff Cobb by February 22, 2008;

From Defendant FNC by March 21, 2008;

From rebuttal experts for either party by April 11, 2008.

Supplementations under Rule 26(e) are due by the end of discovery.

2) Mediation. Mediation should be conducted mid-way in the discovery period, the exact date to be set by the mediator after consultation with the Parties. The Parties agree that the mediator shall be Jonathan R. Harkavy.

3) Preliminary Deposition Schedule. Preliminarily, the Parties agree to the following schedule for depositions: The depositions of fact witnesses will be conducted between December 3, 2007 and February 15, 2008. The depositions of expert witnesses will be conducted between March 21, 2008 and April 25, 2008. The Parties shall serve written discovery prior to November 1, 2007.

The Parties will update this schedule at reasonable intervals.

4) Other items.

Plaintiff Cobb should be allowed until November 30, 2007 to request leave to join additional parties or amend pleadings.

Defendant FNC should be allowed until December 28, 2007 to request leave to join additional parties or amend pleadings.

After these dates, the court will consider, *inter alia*, whether the granting of leave would delay trial.

The Parties have discussed special procedures for managing this case, including reference of the case to a magistrate judge on consent of the Parties pursuant to 28 U.S.C. § 636(c), or appointment of a master: The Parties do not consent to the appointment of a master or to having the case referred to a magistrate judge pursuant to 28 U.S.C. § 636(c), but have agreed to revisit the option of referring the case to a magistrate judge in the future.

The Parties stipulate that their Initial Disclosures pursuant to Rule 26(a)(1) shall be due October 23, 2007.

Trial of the action is expected to take approximately five (5) days. A jury trial has been demanded.

Date: October 5, 2007.

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